

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES D. SMITH,

Plaintiff,

v.

BRIAN MCGARVIE, *et al.*,

Defendants.

Case No. C05-5156RJB

ORDER EXTENDING JOINT
STATUS REPORT DEADLINE

This matter comes before the court on defendants' motion for an extension of time to file dispositive motions and the joint status report (Dkt. #97), which is noted for today, February 13, 2007. After reviewing the motion and the balance of the record, the court **ORDERS**:

(A) Plaintiff's motion is **GRANTED**. Any further dispositive motions must be filed by no later than **April 5, 2007**. Counsel and *pro se* parties are directed to confer and provide the court with a joint status report by no later than **May 18, 2007**. The joint status report shall contain the following information by corresponding paragraph numbers:

1. A short and concise statement of the case, including the remaining legal and factual issues to be determined at trial;
2. A narrative written statement from each party setting forth the facts that will be offered by oral or written documentary evidence at trial;
3. A list of all exhibits to be offered into evidence at trial;
4. A list of the names and addresses of all the witnesses each party intends to call along with a

1 short summary of anticipated testimony of each witness.

2 6. Whether the parties agree to arbitration under this district's arbitration program, and if so
3 whether the arbitration will be final and conclusive or the right to trial de novo will be preserved (see Local
4 Rule CR 39.1(d));

5 7. Pursuant to 28 U.S.C. § 636(c), whether the parties consent to having a Magistrate Judge
6 conduct any or all remaining proceedings, including the trial and order the entry of judgment in the case.

7 8. Whether the case should be bifurcated by trying the liability issues before the damages issues, or
8 specially managed in any other way;

9 9. Any other suggestions for shortening or simplifying the trial in this case;

10 10. The date the case will be ready for trial, considering Local Rule CR 16 deadlines;

11 12. The dates on which trial counsel are unavailable and any other complications to be considered
12 in setting a trial date;

13 13. Whether the trial will by jury or non-jury;

14 14. The number of trial days required, and suggestions for shortening trial;

15 15. The names, addresses, and telephone numbers of all trial counsel and unrepresented (pro se)
16 parties who intend to appear at trial.

17 If the parties are unable to agree on any part of the report, they may answer in separate paragraphs.
18 **Separate reports are not to be filed.** Plaintiff's counsel (or plaintiff, if *pro se*) will be responsible for
19 initiating communications for the preparation of the joint status report.

20 (B) On December 27, 2006, Defendants filed a motion for summary judgment, to which Plaintiff
21 has responded with his own cross-motion for summary judgment. In light of the apparent need to file
22 further dispositive motions, the court will set these previously filed motions over to the courts' **April 27,**
23 **2007**, to consider along with any further motions filed.

24 (C) The Clerk of Court is directed to send a copy of this Order to plaintiff and to counsel for
25 defendant(s).

26 DATED this 13th day of February, 2007.

27 /s/ J. Kelley Arnold
28 J. Kelley Arnold
United States Magistrate Judge